AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

1.   (PREVIOUSLY PRESENTED) A method of controlling image data transfer between a server storing image data and a client connected to the server via a network and receiving the image data by accessing the server, the image-data transfer control method comprising the steps of:

measuring a transfer rate of the network at the time the client requests transfer of image data sets from the server;

determining the number of the image data sets to be sent to the client in response to the transfer request, based on the transfer rate and a permitted transfer time determined in advance; and

transferring to the client a message notifying that the number of the image data sets to be transferred is 0 in the case where the number of the image data sets to be transferred has been determined to be 0.

2.   (CURRENTLY AMENDED) ~~An~~ The image-data transfer control method as defined in ~~Claim~~ claim 1, further comprising the step of transferring the image data sets whose number has been determined from the server to the client.

3.   (CURRENTLY AMENDED) ~~An~~ The image-data transfer control method as defined in ~~Claim~~ claim 2, wherein the step of transferring is the step

of transferring the image data sets whose number has been determined from the server to the client, based on priority of the image data sets whose transfer is requested.

4.   (CURRENTLY AMENDED) ~~An~~ The image-data transfer control method as defined in ~~Claim~~ claim 2, further comprising the step of transferring, from the server to the client, low volume data sets of a remaining portion of the requested image data sets excluding the image data sets whose transfer from the server to the client has been determined.

5.   (CURRENTLY AMENDED) ~~An~~ The image-data transfer control method as defined in ~~Claim~~ claim 4, further comprising the step of transferring from the server to the client, in the case where transfer of the image data sets corresponding to the low volume data sets is requested, the image data sets corresponding to the low volume data sets whose transfer is requested.

6.   (CANCELED)

7.   (CURRENTLY AMENDED) ~~An~~ The image-data transfer control method as defined in ~~any one of Claims~~ claim 1 ~~to 5~~, further comprising the step of transferring information representing the transfer rate to the client.

8.   (CURRENTLY AMENDED) ~~An~~ The image-data transfer control method as defined in ~~any one of Claims~~ claim 1 ~~to 5~~, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

9.   (PREVIOUSLY PRESENTED) An apparatus for controlling image data transfer between a server storing image data and a client connected to the server via a network and receiving the image data by accessing the server, the image-data transfer control apparatus comprising:

means for measuring a transfer rate of the network at the time the client requests transfer of image data sets from the server;

means for determining the number of the image data sets to be transferred to the client in response to the transfer request, based on the transfer rate and a permitted transfer time determined in advance; and

means for sending a message to the client notifying that the number of the image data sets is 0 in the case where the number of the image data sets has been determined to be 0.

10.   (CURRENTLY AMENDED) ~~An~~ The image-data transfer control apparatus as defined in ~~Claim~~ claim 9, further comprising means for transferring the image data sets whose number has been determined from the server to the client.

11. (CURRENTLY AMENDED) ~~An~~ The image-data transfer control apparatus as defined in ~~Claim~~ claim 10, wherein the means for transferring transfers the image data sets whose number has been determined from the server to the client, based on priority of the image data sets whose transfer is requested.

12. (CURRENTLY AMENDED) ~~An~~ The image-data transfer control apparatus as defined in ~~Claim~~ claim 10, wherein the means for transferring transfers, from the server to the client, low volume data sets of a remaining portion of the requested image data sets excluding the image data sets whose transfer from the server to the client has been determined.

13. (CURRENTLY AMENDED) ~~An~~ The image-data transfer control apparatus as defined in ~~Claim~~ claim 12, wherein the means for transferring transfers, from the server to the client, the image data sets corresponding to the low volume data sets when transfer of the image data sets corresponding to the low volume data sets is requested.

14. (CANCELED)

15. (CURRENTLY AMENDED) ~~An~~ The image-data transfer control apparatus as defined in ~~any one of Claims~~ claim 9 ~~to 13~~, further comprising means for transferring information representing the transfer rate to the client.

16. (CURRENTLY AMENDED) ~~An~~ The image-data transfer control apparatus as defined in ~~any one of Claims~~ claim 9 ~~to 13~~, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

17. (PREVIOUSLY PRESENTED) A computer-readable recording medium storing a program to cause a computer to execute a method of controlling image data transfer between a server storing image data and a client connected to the server via a network and receiving the image data by accessing the server, the program comprising the procedures of:

measuring a transfer rate of the network at the time the client requests transfer of image data sets from the server;

determining the number of the image data sets to be sent to the client in response to the transfer request, based on the transfer rate and a permitted transfer time determined in advance; and

transferring to the client a message notifying that the number of the image data sets to be transferred is 0 in the case where the number of the image data sets to be transferred has been determined to be 0.

18.   (CURRENTLY AMENDED) ~~An~~ The computer-readable recording medium as defined in ~~Claim~~ claim 17, the program further comprising the procedure of transferring the image data sets whose number has been determined from the server to the client.

19.   (CURRENTLY AMENDED) ~~An~~ The computer-readable recording medium as defined in ~~Claim~~ claim 18, wherein the procedure of transferring is the procedure of transferring the image data sets whose number has been determined from the server to the client, based on priority of the image data sets whose transfer is requested.

20.   (CURRENTLY AMENDED) ~~An~~ The computer-readable recording medium as defined in ~~Claim~~ claim 18, the program further comprising the procedure of transferring, from the server to the client, low volume data sets of a remaining portion of the requested image data sets excluding the image data sets whose transfer from the server to the client has been determined.

21.   (CURRENTLY AMENDED) ~~An~~ The computer-readable recording medium as defined in ~~Claim~~ claim 20, the program further comprising the procedure of transferring from the server to the client, in the case where transfer of the image data sets corresponding to the low volume data sets is

requested, the image data sets corresponding to the low volume data sets whose transfer is requested.

22. (CANCELED)

23. (CURRENTLY AMENDED) ~~An~~ The computer-readable recording medium as defined in ~~any one of Claims~~ claim 17 ~~to 21~~, the program further comprising the procedure of transferring information representing the transfer rate to the client.

24. (CURRENTLY AMENDED) ~~An~~ The computer-readable recording medium as defined in ~~any one of Claims~~ claim 17 ~~to 21~~, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

25. (CURRENTLY AMENDED) ~~An~~ The image-data transfer control method as defined in ~~Claim~~ claim 1, wherein an amount of time necessary for transferring the number of image data sets is approximately the permitted transfer time.

26. (CURRENTLY AMENDED) ~~An~~ The image-data transfer control apparatus as defined in ~~Claim~~ claim 9, wherein an amount of time necessary

for transferring the number of image data sets is approximately the permitted transfer time.

27.   (CURRENTLY AMENDED) ~~An~~ The computer-readable recording medium as defined in ~~Claim~~ claim 17, wherein an amount of time necessary for transferring the number of image data sets is approximately the permitted transfer time.

28.   (WITHDRAWN) A method of measuring a transfer rate of a network, comprising:

transmitting from a server to a requesting client data of a predetermined data size;

receiving a reply from the requesting client sent in response to the data of the first predetermined size;

measuring a response time based on a start time in which the data of the predetermined size was transmitted by the server and an end time in which the reply was received from the requesting client; and

determining the transfer rate based on the predetermined data size and the response time.

29.   (WITHDRAWN) The method of claim 28, wherein the response time is measured as a difference between the start and end times, and wherein the

transfer rate is determined by dividing the predetermined data size of data by the response time.

30.   (WITHDRAWN) The method of claim 28, wherein the predetermined data size a first predetermined data size, the reply from the requesting client is a first reply, the response time is a first response time, the start time is a first start time, and the end time is a first end time, the method further comprising:

transmitting from the server to the requesting client data of a second predetermined size;

receiving a second reply from the requesting client sent in response to the data of the second predetermined size;

measuring a second response time based on a second start time in which the data of the second predetermined size was transmitted by the server and a second end time in which the second reply was received from the requesting client; and

determining the transfer rate based on the first and second predetermined data sizes and first and second response times.

31.   (WITHDRAWN) The method of claim 30, wherein the first and second predetermined sizes are not equal,

32.　(WITHDRAWN) The method of claim 31, wherein

in the measuring step, the first response time is measured as a difference between the first start and end times and the second response time is measured as a difference between the second start and end times, and

in the determining the transfer rate step, the transfer rate is determined by dividing a size difference between the first and second predetermined data sizes by a time difference between the first and second response times.

33.　(CURRENTLY AMENDED) An—The image-data transfer control method as defined in Claim—claim 4, further comprising transferring from the server to the client all non-transfer image data sets corresponding all low volume data sets upon request from a user interfacing with the client.

34.　(CURRENTLY AMENDED) An—The image-data transfer control method as defined in Claim—claim 7, further comprising displaying a representation of the transfer rate on a display of the client.

35.   (PREVIOUSLY PRESENTED) A method of controlling image data transfer between a server storing image data and a client connected to the server via a network and receiving the image data by accessing the server, the image-data transfer control method comprising the steps of:

receiving a requested number of image data sets for transfer from a client;

measuring a transfer rate of the network at the time the client requests transfer of image data sets from the server; and

determining an actual number of the image data sets to be sent to the client in response to the transfer request based on the transfer rate and a permitted transfer time determined in advance, wherein an actual number is less than or equal to the requested number.

36.   (CURRENTLY AMENDED) An—The image-data transfer control method as defined in claim 3, wherein the priority of the image data sets is set based on any one or more of an order of file size, an order of image size, chronological order of image data generation, chronological order of photographing, chronological order of last access, and order of user preference.

37.   (CURRENTLY AMENDED) An—The image-data transfer control apparatus as defined in claim 11, wherein the priority of the image data sets is set based on any one or more of an order of file size, an order of image size,

chronological order of image data generation, chronological order of

photographing, chronological order of last access, and order of user preference.

38.   (CURRENTLY AMENDED) ~~An~~ The computer-readable recording

medium as defined in ~~Claim~~ claim 19, wherein the priority of the image data

sets is set based on any one or more of an order of file size, an order of image

size, chronological order of image data generation, chronological order of

photographing, chronological order of last access, and order of user preference.

39.   (NEW) The image-data transfer control method as defined in claim

2, further comprising the step of transferring information representing the

transfer rate to the client.

40.   (NEW) The image-data transfer control method as defined in claim

3, further comprising the step of transferring information representing the

transfer rate to the client.

41.   (NEW) The image-data transfer control method as defined in claim

4, further comprising the step of transferring information representing the

transfer rate to the client.

42.   (NEW) The image-data transfer control method as defined in claim 5, further comprising the step of transferring information representing the transfer rate to the client.

43.   (NEW) The image-data transfer control method as defined in claim 2, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

44.   (NEW) The image-data transfer control method as defined in claim 3, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

45.   (NEW) The image-data transfer control method as defined in claim 4, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

46.   (NEW) The image-data transfer control method as defined in claim 5, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

47.   (NEW) The image-data transfer control apparatus as defined in claim 10, further comprising means for transferring information representing the transfer rate to the client.

48.   (NEW) The image-data transfer control apparatus as defined in claim 11, further comprising means for transferring information representing the transfer rate to the client.

49.   (NEW) The image-data transfer control apparatus as defined in claim 12, further comprising means for transferring information representing the transfer rate to the client.

50.   (NEW) The image-data transfer control apparatus as defined in claim 13, further comprising means for transferring information representing the transfer rate to the client.

51.   (NEW) The image-data transfer control apparatus as defined in claim 10, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

52.   (NEW) The image-data transfer control apparatus as defined in claim 11, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

53.   (NEW) The image-data transfer control apparatus as defined in claim 12, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

54.   (NEW) The image-data transfer control apparatus as defined in claim 13, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

55.   (NEW) The computer-readable recording medium as defined in claim 18, the program further comprising the procedure of transferring information representing the transfer rate to the client.

56.   (NEW) The computer-readable recording medium as defined in claim 19, the program further comprising the procedure of transferring information representing the transfer rate to the client.

57. (NEW) The computer-readable recording medium as defined in claim 20, the program further comprising the procedure of transferring information representing the transfer rate to the client.

58. (NEW) The computer-readable recording medium as defined in claim 21, the program further comprising the procedure of transferring information representing the transfer rate to the client.

59. (NEW) The computer-readable recording medium as defined in claim 18, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

60. (NEW) The computer-readable recording medium as defined in claim 19, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

61. (NEW) The computer-readable recording medium as defined in claim 20, wherein the image data sets are thumbnail image data for displaying,

on the client, thumbnail images comprising images represented by the image data sets.

62.   (NEW) The computer-readable recording medium as defined in claim 21, wherein the image data sets are thumbnail image data for displaying, on the client, thumbnail images comprising images represented by the image data sets.

63.   (NEW) The image-data transfer control method as defined in claim 1, wherein the number of the image data sets to be transferred is determined to be 0 prior to transferring any of the image data sets when none of the requested image data sets in the server can be completely transferred within the permitted transfer time.

64.   (NEW) The image-data transfer control apparatus as defined in claim 9, wherein the means for determining the number of the image data sets to be transferred determines the number of the image data sets to be transferred to be 0 prior to transferring any of the image data sets when none of the requested image data sets in the server can be completely transferred within the permitted transfer time.

65. (NEW) The computer-readable recording medium as defined in claim 17, wherein the number of the image data sets to be transferred is determined to be 0 prior to transferring any of the image data sets when none of the requested image data sets in the server can be completely transferred within the permitted transfer time.

66. (NEW) The image-data transfer control method as defined in claim 35, wherein the number of the image data sets to be sent is determined to be 0 prior to transferring any of the image data sets when none of the requested image data sets in the server can be completely transferred within the permitted transfer time.